

REMARKS

Claims 25-43 and 67 are pending in this application. In the Office Action mailed on October 8, 2004, the Examiner: rejected claims 25-28, 31, 33-43 and 67 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,611,814 to Lee et al. ("Lee") in view of U.S. Patent Application No. 2002/0042775 to Nelson et al. ("Nelson"); and rejected claims 29, 30 and 32 under 35 U.S.C. § 103(a) as being unpatentable over Lee in view of Nelson and U.S. Patent Application No. 2002/0095298 to Ewing ("Ewing"). In this response, Applicants amend claims 25-27, 33-36, 39-43 and 67 to more particularly point out and distinctly claim Applicants' invention. Support for the claim amendments are provided in the specification, particularly, page 1, lines 21-25. The amendments add no new matter. Applicants respectfully traverse the Examiner's rejections. Further examination and review in view of the remarks below are respectfully requested.

Applicants' Techniques

Some or all of the pending claims are directed to notifying a first customer that a second customer has purchased a particular item for someone other than the first customer, where the notification occurs as a result of a purchase notification relationship that the first customer has with the second customer. The first customer is the recipient of the purchase notification, the second customer is the purchaser of the item, and someone other than the first customer is the recipient of the purchased item. Thus, the item is purchased for someone other than the first customer, yet the first customer receives a notification of the purchase. In some cases, this notification causes the first customer to himself or herself purchase the item, increasing sales of the item, to the benefit of the item's seller.

All of the claims stand rejected over Lee, in combination with either Nelson or Nelson and Ewing. Applicants respectfully traverse the Examiner's rejections.

All of Applicants' pending and elected claims include the common features of (1) detecting that a second customer has purchased an item for a person other than a first customer, and (2) determining that the first customer has a purchase notification relationship with the second customer. In rejecting the claims, the Examiner indicated that Lee's checkout process step 216 and tracking device 1406 corresponds to Applicants' provision of detecting that the second customer has purchased an item for a person other than the first customer, and that Lee's virtual wish list provider (col. 9, lines 33-41) corresponds to Applicants' provision of determining that the first customer has a purchase notification relationship with the second customer.

Applicants respectfully disagree. Lee does not disclose, suggest or teach detecting a purchase of an item by the second customer for someone other than the first customer, nor does it disclose, suggest or teach a purchase notification relationship between the first customer and the second customer, where the purchase notification relationship causes the first customer to receive a notification of the second customer's purchase of the item for someone other than the first customer. Instead, Lee merely describes a virtual wish list that is an automatically created wish list for a person in a recipient list. A user first creates a recipient list that contains one or more persons the user may want to shop for. Then, when the user is ready to shop for recipients in the recipient list, the user visits an online store that provides a virtual wish list service. The online store can request one or more virtual wish lists of one or more persons in the recipient list to a virtual wish list provider. The online store receives the virtual wish lists and creates a product list (a list of the products in the virtual wish list that the online store sells) that matches the recipient list and sends it back to the user. The user can then examine the product list and complete one or more transactions, and for each transaction, the store sends out one or more of the purchased products to one or more recipients (col. 6, lines 40-55).

According to Lee, the virtual wish list assists the user to purchase products which match with tastes and/or needs of receivers of the products (col. 6, lines 24-26). When a user wants to purchase a product for a person (the recipient of the purchased product), the

user uses the person's virtual wish list in order to purchase a product that is listed in the person's virtual wish list. Thus, in Lee, the user is purchasing a product for the person to whom the virtual wish list belongs. In some instances, for reasons of privacy, the user may need to obtain approval/permission from the person to use the person's virtual wish list (col. 9, lines 33-41).

According to Lee, the relationship is (1) between the user who is making the purchase and the person who is the recipient of the purchased product (2) for permission for the user to use the person's virtual wish list. This is in contrast to Applicants' claims where the relationship is (1) between the customer who is making the purchase and someone other than the person who is the recipient of the purchased product, and (2) a purchase notification relationship for someone other than the recipient of the purchased product to receive notification of the customer's purchase of the product. Applicants can find in Lee no such disclosure or suggestion.

Conclusion

In view of the foregoing, Applicants respectfully submit that claims 25-43 and 67 are allowable and ask that this application be passed to allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

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Respectfully submitted,

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